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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/993,904	11/27/2001	Jax B. Cowden	10005.000130	7663

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EXAMINER

DIVECHA, KAMAL B

ART UNIT	PAPER NUMBER
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2151

DATE MAILED: 03/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/993,904

Applicant(s)

COWDEN ET AL.

Examiner

KAMAL B. DIVECHA

Art Unit

2151

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11/27/2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 November 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the limitations disclosed in claim 1 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

2. Claim 3 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the

claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. An independent claim is a method of providing product information to a user and the dependent claim is based on delivering or providing a product as software to a user.

3. Claim 4 is objected to because of the following informalities: Applicant is requested to spell the acronym "CLSID". Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- Regarding claim 1, applicant fails to teach or show where and who determines if the window includes a product offering and where and who will identify the product.
- Claims 2-6 are rejected due to their dependency on claim 1.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are

such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being obvious over Call (U. S. Patent No. 6,154,738) in view of Shiratori et al. (U. S. Patent No. 5,758,111).

As per claim 1, Call discloses: In a computer, a method of providing product information to a user (col. 2 L4-11) comprising: determining if the first window includes a product offering (fig. 5 item #334 and #331; col. 2 L12-25 and col. 11 L61-65); identifying the product (col. 2 L25-53); displaying a second window, the second window including information about the product (fig. 5 item #346 and col. 2 L17-24; col. 26 L58-60), however, Call does not explicitly disclose the method including the step of: detecting the occurrence of a first window.

Shiratori discloses a window-detecting unit that detects the occurrence of the new windows in a system similar to that of Call (col. 2 L29-40; abstract). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the teaching of Shiratori as stated above with the method of Call in order to detect the occurrence of a first window.

One of ordinary skilled in the art would have been motivated because detecting the occurrence of the window would have provided the information about products and manufacturers via the Internet which would have enabled consumers to make an informed buying decision.

As per claim 2, Call discloses the method where the web page (read as first window) is launched by a web browser (fig. 5 item #331, 346, 334 and col. 2 L15-25).

As per claim 3, Call discloses the method wherein the product includes a downloadable computer program (col. 9 L49-62).

As per claim 4, Call teaches the method wherein the act of identifying the product includes looking up a CLSID (read as a product code or ID, col. 4 L5-10; col. 8 L40-49).

As per claim 5, Call discloses the method wherein the act of identifying the product includes consulting a product list (col. 2 L45-53 and fig. 2 item #215).

As per claim 6, Call discloses the method wherein the product list is updateable by downloading a new product list from a remote computer (col. 12 L21-38 and fig. 1 item #103).

8. Claim 7 is rejected under 35 U.S.C. 103(a) as being obvious over Call (U. S. Patent No. 6,154,738) in view of Shiratori et al. (U. S. Patent No. 5,758,111), and further in view of Balasubramaniam et al. (U. S. Patent No. 6,477,550 B1).

As per claim 7, Call discloses a computer memory (fig. 1) comprising: a product list, the product list including a set of product identifiers and corresponding product descriptions (fig. 5 item #334 and #346); and a user interface manager, the user interface manager including computer readable code for displaying a product description (col. 26 L58-60 and fig. 5 item

#331), however, Call does not explicitly disclose a listener, the listener including computer readable program code for detecting the opening of a new window; and a window analyzer, the window analyzer including computer readable program code for detecting whether a window is of a certain type.

Shiratori, from the same field of endeavor, discloses first detecting unit for detecting any window and fourth detecting unit for detecting new window (see abstract; col. 2 L31-40). Therefore, it would have been obvious to a person of ordinary skilled in the art at the time the invention was made to combine Shiratori and Call in order for the purpose of detecting the opening of a new window. One of ordinary skilled in the art would have been motivated because of the same reasons as set forth in claim 1 above.

However, Call in view of Shiratori, does not explicitly disclose a window analyzer, the window analyzer including computer readable program code for detecting whether a window is of a certain type.

Balasubramaniam, from the same field of endeavor, discloses a server computer programmed to detect the type of browser a user uses when visiting the server computer web page (read as window analyzer including computer readable program code for detecting whether a window is of a certain type, col. 6 L4-9; fig. 2A item #202). Therefore, it would have been obvious to a person of ordinary skilled in the art at the time the invention was made to combine Balasubramaniam with Call and Shiratori for detecting whether a window is of a certain type. One of ordinary skilled in the art would have been motivated because it would have enabled secured communications between the two computer systems by detecting and allowing certain type of windows to be displayed on the host computer system.

In general, it would have enabled software distributors to provide accurate and efficient product information and/or updates to the end-users.

9. Claim 8 is rejected under 35 U.S.C. 103(a) as being obvious over Call (U. S. Patent No. 6,154,738) in view of Stone et al. (U. S. Patent No. 6,101,510), and further in view of Balasubramaniam et al. (U. S. Patent No. 6,477,550 B1).

As per claim 8, Call discloses a computer-readable storage medium comprising: a product list, the product list including a set of product identifiers and corresponding product descriptions (fig. 5 item #334 and #346); and a user interface manager, the user interface manager including computer readable code for displaying a product description (col. 26 L58-60 and fig. 5 item #331), however, Call does not explicitly disclose a listener, the listener including computer readable program code for receiving event notifications from a web browser; and a window analyzer, the window analyzer including computer readable program code for detecting whether a window is of a certain type.

Stone, discloses OLE Idispatch interface (read as a Listener) for receiving event notifications from a web browser (col. 18 L16-20). Therefore, it would have been obvious to a person of ordinary skilled in the art at the time the invention was made to incorporate the teaching of Stone as stated above with Call for receiving event notifications from a web browser. One of ordinary skilled in the art would have been motivated because it would have performed event notifications (Stone, col. 18 L19-30).

However, Call in view of Stone, does not explicitly disclose a window analyzer, the window analyzer including computer readable program code for detecting whether a window is of a certain type.

Balasubramaniam, from the same field of endeavor, discloses a server computer programmed to detect the type of browser a user uses when visiting the server computer web page (read as window analyzer used for detecting whether a window is of a certain type, col. 6 L4-9; fig. 2A item #202). Therefore, it would have been obvious to a person of ordinary skilled in the art at the time the invention was made to combine Balasubramaniam with Call and Stone for detecting whether a window is of a certain type. One of ordinary skilled in the art would have been motivated because it would have enabled secured communications between the two computer systems by detecting and allowing certain type of windows to be displayed on the host computer system.

Overall, it would have enabled software distributors to provide accurate and efficient product information and/or updates to the end-users.

Additional References

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. Davis et al. U. S. Patent No. 5,822,123.
- a. Walton U. S. Pub. No. US2001/0039658.
- b. Horn et al. U. S. Pub. No. US2002/0156688 A1.
- c. Pack et al. U. S. Pub. No. 2001/0052133 A1.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KAMAL B. DIVECHA whose telephone number is 571-272-5863. The examiner can normally be reached on 9.00am-5.30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on 571-272-3939. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


ZARNI MAUNG
SUPERVISORY PATENT EXAMINER